



State of Arizona  
Board of Respiratory Care Examiners  
1400 W. Washington, Suite 200  
Phoenix, Arizona 85007  
(602) 542-5995 FAX (602) 542-5900  
[www.rb.az.gov](http://www.rb.az.gov)

**BOARD OF RESPIRATORY CARE EXAMINERS**  
**BOARD MEETING MINUTES**

Thursday, January 15, 2009, at 9:00 a.m.  
Basement Conference Room B-1  
1400 W. Washington, Phoenix AZ

**Board Members Present:** Chair Toni Rodriguez, Vice Chair Becky Brimhall, Catherine Lindstrom, John O'Donnell, David Sanderson and Bill Cohagen

**Board Members Absent:** James Love

**Staff Present:** Mary Hauf Martin, Executive Director  
  
David Geriminsky, Program and Project Specialist  
  
Valarie Davis, Administrative Assistant

**Board's Legal Counsel:** Keely Verstegen, Assistant Attorney General

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**CALL TO ORDER**

The Meeting was called to order at 9:00 a.m. by Board Chair Toni Rodriguez, Ed.D.

**CONSENT AGENDA**

**CONSENT AGENDA:**

All items listed with "C" are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

**MOTION ON THE CONSENT:**

Board Chair Toni Rodriguez requested that item C-7 be pulled from the Consent for discussion. There being no further items requested to be removed, a motion was made by **Bill Cohagen** to **approve the Consent Agenda** with the exception of item C-7. **Vice Chair Becky Brimhall** seconded. **The Motion Passed**

**C-1 APPROVAL OF MINUTES**

Recommended for Approval

December 18, 2008

**C-2 ACTION ON APPLICATIONS FOR LICENSURE**

**i. Permanent License Issuance**

Recommended for approval by the Executive Director

Sheena Cummings  
Rhonda Foradori  
Shawn Maness

Wendy Cushing  
LaSheena Harris  
Adam Winter

Jane Finley  
Gayle King

**ii. Ratification of Permanent License Issued**

Steven Compton      Complaint Number      C002400-09-008425\*

**ii. Re-Application for Permanent Licensure**

Recommended for approval by the Executive Director

There are no items on this Agenda.

**iii. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521**

Recommended for Ratification by the Executive Director

Katrina Aguilar  
Connie Christien  
Dax Gelvin  
Krista Kubal  
Carol McKinney  
Robin Ramirez  
Eric Torres  
Joseph Weick

Tagen Barnett  
Christine Connor  
Scott Greensides  
Kingsley Iyere  
Jessica Miles  
Suzanne Schletz  
Herman Tragnirtz  
Christine Young

Jim Bolye  
Julie Galperen  
Dennis Ira  
Heather McKelvy  
Beverly Pietras  
Khristina Theobald  
Nhi Tran

**iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521**

Recommended for Ratification by the Executive Director

Sandra Spears

**C -3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES**

Recommended for closing of application files

None

**C - 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES**

Recommended for closing of inactive files

John Basile	Charles Broeder	Cathryn Clayton
Eric Degenhardt	Herman Dominguez	Catherine Franklin
Dana Guillen	Michael Hartman	Jerrold Herman
Karla Johnson	James Kahr	Preston Karansky
Romaine Kolanko	Donald Lindberg	Sonia Meyer
Amy Michor	Candace Ruddy	Cristy Steffen
Devin Ulibarri	Cindy Wright	

**C - 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS**

Recommend sending notice of License Expirations to the following individuals:

Frank Beck	Joan Borowski	Shirely Brewer
David Burzynski	Tia Cadieux	Shawn Carr
Willem Cudney	Janet Eslick	Sheri Ford
Julieta Garcia-Cardenas	Carmen Garneata	Richard Harrelson
Danielle Hollinshead	Kathleen Jones	Kimberly Kaufman
Erin Koby	Margaret Olsen	Marilyn Parton
Andrea Reynolds	Frederick Ross	Eric Schweitzer
Candice Shaver	Kimberly Smith	Wilshuan Walls
Sylvia Zavala		

**C -6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES**

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Ann Marie Shaw

**C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS  
OF WARNING ISSUED**

**THIS ITEM REMOVED FROM CONSENT**

**This item was removed from the consent and can be found at Agenda Item R-2**

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

**A. Decision on Accepting Proposed Consent Agreements**

1. Steven Compton      Complaint Number    C002400-09-008425\*

**B. Decision on Accepting Proposed Letters of Warning Issued**

1. Robert Scott              Complaint Number    C002407-09-001414

**C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING**

Scheduled date of next Board Meeting

Thursday, February 19, 2009, at 9:00 a.m.

## **REGULAR AGENDA**

### **R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

#### **i. Election of Officers**

The Board took nominations for individuals to elect to the position of Chair of the Board for 2009.

A **motion** was made by **David Sanderson** and seconded by **Catherine Lindstrom** to nominate **Toni Rodriguez** as Chair of the Board for 2009. **Motion passed.**

**Recused:** Board Chair Toni Rodriguez

The Board took nominations for individuals to elect to the position of Vice Chair of the Board for 2009.

A **motion** was made by **Catherine Lindstrom** and seconded by **David Sanderson** to nominate **Becky Brimhall** as Vice Chair of the Board for 2009. **Motion passed.**

**Recused:** Vice Chair Becky Brimhall

#### **ii. Update on State Budget Crisis**

The Board's Executive Director provided an update on the financial crisis being experienced by the State of Arizona and its possible impact on the Board and its operations. Board members expressed a willingness to continue to meet, to ensure that the respiratory care profession is able to continue to be regulated appropriately, even in the face of budget concerns.

#### **iii. Legislative Update**

The Board's Executive Director provided an update, stating that the budget crisis is the primary discussion at the Capitol right now, but she will keep an eye on the Legislative Session and bring any issues of interest or concern to the Board.

#### **iv. Board Office Highlights**

The Board's Executive Director provided an update.

**R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA**

**C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED**

**THIS ITEM REMOVED FROM CONSENT**

The Board has chosen to remove these issues from the Consent Agenda, and place them in the Regular Agenda under Item R-2.

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

**C. Decision on Accepting Proposed Consent Agreements**

2. Steven Compton      Complaint Number    C002400-09-008425

The Board's Executive Director explained that Mr. Compton worked several shifts without a license. After reviewing all information and a discussion, **Catherine Lindstrom** moved to reduce the fine in Mr. Compton's Order to \$250.00. **David Sanderson** Seconded. **The Motion Passed by a vote of 4 to 2, with Becky Brimhall and Bill Cohagen voting no.**

**D. Decision on Accepting Proposed Letters of Warning Issued**

1. Robert Scott      Complaint Number    C002407-09-001414

The Board's Executive Director explained that Mr. Scott is the Supervisor who allowed Mr. Compton to work several shifts without a license. **Bill Cohagen** moved to approve this Letter of Warning. After discussion, **Vice Chair Becky Brimhall** seconded. **The Motion Passed.**

**R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL**

**A. Application for Licensure/Interview**

- |                     |                               |
|---------------------|-------------------------------|
| 1. Clair Raphael    | Case Number C002410-09-008616 |
| 2. Matthew Williams | Case Number C002408-09-008397 |
| 3. Christina Walker | Case Number C002409-09-008608 |

1. Clair Raphael      Case Number C002410-09-008616

Ms. Raphael was present. The Executive Director summarized Mr. Raphael's situation, stating that while provided the necessary documents establishing that she is eligible for permanent licensure she has a potential problem with alcohol abuse. **Catherine Lindstrom** moved to Grant Ms. Raphael's license under a

Rehabilitative order of Probation. The probation would be for 6 months, include random bodily fluid screens and all other standard terms of probation. After discussion, **John O'Donnell** seconded. **The Motion Passed.**

2. Matthew Williams Case Number C002408-09-008397

Mr. Williams was present. The Executive Director summarized Mr. William's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. **Bill Cohagen** moved to Grant the permanent license of Mr. Williams. After discussion, **Vice Chair Becky Brimhall** seconded. **The Motion Passed.**

3. Christina Walker Case Number C002409-09-008608

Ms. Walker was present. The Executive Director summarized Ms. Walker's situation, stating that she had provided the necessary documents establishing that she is eligible for permanent licensure. **Vice Chair Becky Brimhall** moved to Grant the permanent license of Ms. Walker. After discussion, **Bill Cohagen** seconded. **The Motion Passed.**

B. Interview for Renewal of License

1. Jennell Cox Case Number C002411-09-007882\*

Ms. Cox was present. The Executive Director provided a summary. Ms. Cox practiced for several shifts after her license expired. **Vice Chair Becky Brimhall** moved to Renew Ms. Cox's license under an Order of Probation which requires Ms. Cox to pay a \$500.00 fee within 90 days of receipt of the order along with all the other standard terms of probation. After discussion, **Bill Cohagen** seconded. **The Motion Passed.**

C. Interview for Temporary License

1. Kelly MacNeil Case Number C002415-09-000000

Ms. MacNeil was not present. The Executive Director stated that due to disclosures on her Application, Ms. MacNeil is not eligible to be issued a Temporary License unless and until she is interviewed by the Board. After discussion, **Vice Chair Becky Brimhall** moved to continue this matter until Ms. MacNeil files a request to come before the Board. **Bill Cohagen** Seconded. **The Motion Passed.**

**R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

1. Jennell Cox Case Number C002411-09-007882\*

Ms. Cox was present. The Executive Director stated that his item had been covered in Agenda Item R-3, B-1. **Vice Chair Becky Brimhall** moved to dismiss this matter. After discussion, **John O'Donnell** seconded. **The Motion Passed.**

**R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

1. James Cox Case Number C002196-06-007592
2. Aimee Hoffman Case Number C002184-08-7474

1. James Cox Case Number C002196-06-007592

Mr. Cox was present. The Executive Director stated that the allegation, self-reported by Licensee on his most recent license renewal application, is that was discharged from North Mountain Medical and Rehab on October 15, 2007 for failing to return two patients to their 2 liters of oxygen following nebulizer treatment. On July 28, 2008, Licensee had provided a written statement in which he stated that he felt that his termination was a direct result of a "personality conflict" that he had with his supervisor. Mr. Cox repeated his earlier statement, that he felt his termination was due to a personality conflict and added that this was an isolated incident that occurred in an isolated period of time in his life. He told the Board that in the years he has practiced respiratory care he did not have problems prior to these incidents; and he has not has any problems since. **Board Chair Toni Rodriguez** moved to issue a Letter of Concern in this matter. After discussion, **David Sanderson** seconded the Motion. **The Motion Passed.**

2. Aimee Hoffman Case Number C002184-08-7474

Ms. Hoffman was not present. **Vice Chair Becky Brimhall** moved to table this matter until a later Board meeting. After discussion, **Bill Cohagen** seconded. **The motion passed.**

**R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)**

1. James Bradshaw Case Number C002133-08-8125
2. Ronald Crandell Case Number C002393-08-1959
3. Leslie Brooks Case Number C002353-09-002740



4. James Bradshaw      Case Number C002133-08-8125

Mr. Bradshaw was not present. The case was presented by Assistant Attorney General Keely Verstegen, on behalf of the State of Arizona.

**Background of Complaint:**

The Board held a public meeting on October 16, 2008, in part to determine whether there was good cause to believe that James Bradshaw was in non-compliance with his Probationary Order. The Board's Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. Mr. Bradshaw was invited, in writing, to his Address of Record, to the Board meeting. Mr. Bradshaw did not appear before the Board personally or by legal counsel. Evidence was presented to the Board that James Bradshaw was in violation of five terms of his Order. An Order designed to give the Board necessary oversight over its licensee. The provisions he failed to comply with include the ones requiring him to maintain sobriety by attending 12-Step meetings, and to establish proof of sobriety by submitting to random drug screens. Every violation of probation is grounds for disciplinary action. Board Members believed that Respondent's Violation of Term Number 5, combined with his history of substance abuse, places patients who would be entrusted to his care in danger. The evidence established that not only has James Bradshaw violated the terms of his probation, his behavior establishes an immediate threat to the public health and safety. Therefore, the Board voted to issue an interim order of summary suspension of James Bradshaw's license to practice respiratory care in Arizona. The Board also voted to issue a Formal Complaint and Notice of Hearing.

**Motion:**

On January 15, 2009, the Board held its monthly meeting to consider suspending or revoking Respondent's license to practice respiratory care. Respondent was served by U.S. certified mail with the Board's Complaint and Notice of Hearing which gave Respondent notice of the time, place and location of the meeting. The Board's Complaint directed Respondent to respond to the allegation in writing. Mr. Bradshaw did not respond. Assistant Attorney General Verstegen presented a case, on behalf of the State of Arizona, which provided evidence to support the information in the Complaint and Notice of Hearing. Board members reiterated their concerns that Respondent's Violation of his probation, combined with his history of substance abuse, places patients who would be entrusted to his care in danger. At the conclusion of the case, the Board found that a preponderance of evidence was presented to support the State's case.

**Bill Cohagen** moved to accept Findings of Fact and Conclusions of Law as set forth in the Complaint. **David Sanderson** seconded. **The Motion Passed.** After further discussion, Board Member **Cathy Lindstrom** moved to revoke Respondent's license to practice respiratory care in Arizona. **Bill Cohagen** seconded. **The motion passed.**

5. Ronald Crandell      Case Number C002393-08-1959

Mr. Crandall was present. Assistant Attorney General Keely Verstegen, on behalf of the State of Arizona, stated that the issue in this case was an allegation that Mr. Crandell was out of compliance with an Order of Probation. However, since the issuance of the Board's Complaint,

Mr. Crandell has provided documents to establish that he is, and has been, in compliance with the terms of his Order. After discussion **Catherine Lindstrom** moved to dismiss this Complaint and Notice of Hearing. **Vice Chair Becky Brimhall** seconded. **The Motion Passed.**

6. Leslie Brooks Case Number C002353-09-002740

Ms. Brooks was not present. In an email to the Board, Ms. Brooks stated that her relocation to New York prevented her from being able to attend. **Board Chair Toni Rodriguez** moved to continue this matter to the next Board meeting. After discussion, **John O'Donnell** seconded. **The Motion Passed.**

**R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION**

- **This Informal Interview is scheduled for the afternoon session, which begins at 1:00 p.m.**

Informal Interview Regarding Probation Compliance

1. Michelle Thomas Case Number C002279-08-8640

Ms. Thomas was present. The Executive Director stated that Ms. Thomas had not reported for one of the drug screen she was requested to report for. Ms. Thomas stated that it was a communication error on her part; she thought she was being asked to get the results of a previous drug screen to the Board, which she did. The Board took no action in this matter.

**R-8 CALL TO THE PUBLIC**

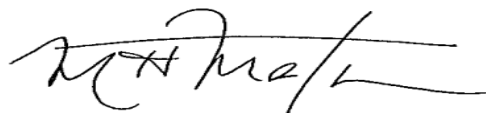
Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

There was no public presentation to the Board.

**R-9 ADJOURNMENT**

Board Chair Toni Rodriguez adjourned the meeting at 2:05 p.m., without objection

DATED this 12th day of February, 2009



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MARY HAUF MARTIN  
Executive Director